

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF STERLING HEIGHTS, ET AL.,

Plaintiffs,

v.

UNITED NATIONAL INSURANCE
COMPANY, ET AL.,

Defendants.

Case No. 03-72773

Honorable Nancy G. Edmunds

**ORDER DENYING PLAINTIFFS' MOTION TO COMPEL ADDRESSED TO
DEFENDANT SPECIALTY NATIONAL INSURANCE COMPANY [187]**

This matter comes before the Court on Plaintiffs' motion to compel addressed to Defendant Specialty National Insurance Company. Defendant has produced to the Court, for *in camera* review, all documents listed in its privilege log. The Court has completed its *in camera* review of these documents and the parties' briefs on privilege issues. The Court finds Defendant's arguments persuasive. The privileged documents are communications regarding litigation strategy, possible liability, and similar subject matter. They are the type of documents traditionally protected under the attorney/client and/or attorney work product doctrines. That Defendant shared the documents with its re-insurers does not change this conclusion. "The presence of a third party who is an agent of the client will not destroy the attorney-client privilege." *Safeguard Lighting Sys., Inc. v. North Am. Specialty Ins. Co.*, 2004 WL 3037947, *2 (E.D. Pa., Dec. 30, 2004) (citing *In re Grand Jury Investigation*, 918 F.2d 374, 386 n.20 (3d Cir. 1990)). Accordingly, these privileged documents need not be

produced.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 30, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 30, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager